

FIRST REGULAR SESSION

SENATE BILL NO. 58

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0165S.011

AN ACT

To repeal sections 302.230, 302.545, 302.700, 302.735, 302.755, 302.775, 306.535, and 311.326, RSMo, and to enact in lieu thereof eight new sections relating to the regulation of motor vehicles, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.230, 302.545, 302.700, 302.735, 302.755, 302.775, 306.535, and 311.326, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 302.230, 302.545, 302.700, 302.735, 302.755, 302.775, 306.535, and 311.326, to read as follows:

302.230. Any person who makes a false unsworn statement or affidavit or knowingly swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall be deemed guilty of a class [A misdemeanor] **D felony**. No person who pleads guilty or nolo contendere, or is found guilty of making a false statement or affidavit shall be licensed to operate a motor vehicle for a period of one year after such plea, finding or conviction.

302.545. 1. Any person who is less than twenty-one years of age and whose driving privilege has been suspended or revoked, for a first determination under sections 302.500 to 302.540, that such person was driving with two-hundredths of one percent of blood alcohol content, shall have all official records and all recordations maintained by the department of revenue of such suspension or revocation expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs. Such expungement shall be performed by the department of revenue without need of a court order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 section 302.700, **or if the person was holding a commercial driver's**
12 **license at the time of the offense**, with a blood alcohol content of at least
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose
15 license is suspended or revoked for a second or subsequent time pursuant to
16 subsection 1 of this section or who is convicted of any alcohol-related driving
17 offense before the age of twenty-one including, but not limited to:

18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

19 (2) Driving with excessive blood alcohol content pursuant to section
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,

27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor
48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed
50 through the operation of motor vehicles, other than parking, vehicle weight, or
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration
53 that a person is not qualified to operate a commercial motor vehicle under 49
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of
62 four one-hundredths of a percent or more as prescribed by the secretary or such

63 other alcohol concentration as may be later determined by the secretary by
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while
66 intoxicated in violation of any federal or state law, or in violation of a county or
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive
69 blood alcohol content in violation of any federal or state law, or in violation of a
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,
72 RSMo, section 302.750, any federal or state law, or a county or municipal
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older
78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or

99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In
115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", [hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).] **any**
122 **material that has been designated as hazardous under 49 U.S.C. 5103**
123 **and is required to be placarded under subpart F of CFR part 172 or any**
124 **quantity of a material listed as a select agent or toxin in 42 CFR part**
125 **73.** Fertilizers, including but not limited to ammonium nitrate, phosphate,
126 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
127 be considered hazardous materials when transported by a farm vehicle provided
128 all other provisions of this definition are followed;

129 (22) "Imminent hazard", the existence of a condition that presents a
130 substantial likelihood that death, serious illness, severe personal injury, or a
131 substantial endangerment to health, property, or the environment may occur
132 before the reasonably foreseeable completion date of a formal proceeding begins
133 to lessen the risk of that death, illness, injury, or endangerment;

134 (23) "Issuance", the initial licensure, license transfers, license renewals,

135 and license upgrades;

136 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
137 upon tracks;

138 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
139 motor vehicles not defined by the term "commercial motor vehicle" in this section;

140 (26) "Out of service", a temporary prohibition against the operation of a
141 commercial motor vehicle by a particular driver, or the operation of a particular
142 commercial motor vehicle, or the operation of a particular motor carrier;

143 (27) "Out-of-service order", a declaration by the Federal Highway
144 Administration, or any authorized enforcement officer of a federal, state,
145 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
146 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
147 service;

148 (28) "School bus", a commercial motor vehicle used to transport
149 preprimary, primary, or secondary school students from home to school, from
150 school to home, or to and from school-sponsored events. School bus does not
151 include a bus used as a common carrier as defined by the Secretary;

152 (29) "Secretary", the Secretary of Transportation of the United States;

153 (30) "Serious traffic violation", driving a commercial motor vehicle in such
154 a manner that the driver receives a conviction for the following offenses or driving
155 a noncommercial motor vehicle when the driver receives a conviction for the
156 following offenses and the conviction results in the suspension or revocation of
157 the driver's license or noncommercial motor vehicle driving privilege:

158 (a) Excessive speeding, as defined by the Secretary by regulation;

159 (b) Careless, reckless or imprudent driving which includes, but shall not
160 be limited to, any violation of section 304.016, RSMo, any violation of section
161 304.010, RSMo, or any other violation of federal or state law, or any county or
162 municipal ordinance while driving a commercial motor vehicle in a willful or
163 wanton disregard for the safety of persons or property, or improper or erratic
164 traffic lane changes, or following the vehicle ahead too closely, but shall not
165 include careless and imprudent driving by excessive speed;

166 (c) A violation of any federal or state law or county or municipal ordinance
167 regulating the operation of motor vehicles arising out of an accident or collision
168 which resulted in death to any person, other than a parking violation;

169 (d) Driving a commercial motor vehicle without obtaining a commercial
170 driver's license in violation of any federal or state or county or municipal

171 ordinance;

172 (e) Driving a commercial motor vehicle without a commercial driver's
173 license in the driver's possession in violation of any federal or state or county or
174 municipal ordinance. Any individual who provides proof to the court which has
175 jurisdiction over the issued citation that the individual held a valid commercial
176 driver's license on the date that the citation was issued shall not be guilty of this
177 offense;

178 (f) Driving a commercial motor vehicle without the proper commercial
179 driver's license class or endorsement for the specific vehicle group being operated
180 or for the passengers or type of cargo being transported in violation of any federal
181 or state law or county or municipal ordinance; or

182 (g) Any other violation of a federal or state law or county or municipal
183 ordinance regulating the operation of motor vehicles, other than a parking
184 violation, as prescribed by the secretary by regulation;

185 (31) "State", a state, territory or possession of the United States, the
186 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
187 of Canada;

188 (32) "United States", the fifty states and the District of Columbia.

302.735. 1. An application shall not be taken from a nonresident after
2 September 30, 2005. The application for a commercial driver's license shall
3 include, but not be limited to, the applicant's legal name, mailing and residence
4 address, if different, a physical description of the person, including sex, height,
5 weight and eye color, the person's Social Security number, date of birth and any
6 other information deemed appropriate by the director. The application shall also
7 require, beginning September 30, 2005, the applicant to provide the names of all
8 states where the applicant has been previously licensed to drive any type of motor
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday
11 in the sixth year after issuance, unless the license must be issued for a shorter
12 period due to other requirements of law or for transition or staggering of work as
13 determined by the director, and must be renewed on or before the date of
14 expiration. When a person changes such person's name an application for a
15 duplicate license shall be made to the director of revenue. When a person
16 changes such person's mailing address or residence the applicant shall notify the
17 director of revenue of said change, however, no application for a duplicate license
18 is required. A commercial license issued pursuant to this section to an applicant

19 less than twenty-one years of age and seventy years of age and older shall expire
20 on the applicant's birthday in the third year after issuance, unless the license
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials
23 endorsement issued to an applicant who is between the age of twenty-one and
24 sixty-nine shall not be issued for a period exceeding five years from the approval
25 date of the security threat assessment as determined by the Transportation
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license
28 containing a school bus endorsement to an applicant who is seventy years of age
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials
31 endorsement issued to an applicant who is seventy years of age or older shall not
32 be issued for a period exceeding three years. The director shall not require such
33 drivers to obtain a security threat assessment more frequently than such
34 assessment is required by the Transportation Security Administration under the
35 Uniting and Strengthening America by Providing Appropriate Tools Required to
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 **(1) The state shall immediately revoke a hazardous materials**
38 **endorsement upon receipt of an initial determination of threat**
39 **assessment and immediate revocation from the Transportation Security**
40 **Administration as defined by 49 CFR 1572.13(a).**

41 **(2) The state shall revoke or deny a hazardous materials**
42 **endorsement within fifteen days of receipt of a final determination of**
43 **threat assessment from the Transportation Security Administration as**
44 **required by CFR 1572.13(a).**

45 6. The fee for a commercial driver's license or renewal commercial driver's
46 license issued for a period greater than three years shall be forty dollars.

47 7. The fee for a commercial driver's license or renewal commercial driver's
48 license issued for a period of three years or less shall be twenty dollars.

49 8. The fee for a duplicate commercial driver's license shall be twenty
50 dollars.

51 9. In order for the director to properly transition driver's license
52 requirements under the Motor Carrier Safety Improvement Act of 1999 and the
53 Uniting and Strengthening America by Providing Appropriate Tools Required to
54 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director

55 is authorized to stagger expiration dates and make adjustments for any fees,
56 including driver examination fees that are incurred by the driver as a result of
57 the initial issuance of a transitional license required to comply with such acts.

58 10. Within thirty days after moving to this state, the holder of a
59 commercial driver's license shall apply for a commercial driver's license in this
60 state. The applicant shall meet all other requirements of sections 302.700 to
61 302.780, except that the director may waive the driving test for a commercial
62 driver's license as required in section 302.720 if the applicant for a commercial
63 driver's license has a valid commercial driver's license from a state which has
64 requirements for issuance of such license comparable to those in this state.

65 11. Any person who falsifies any information in an application or test for
66 a commercial driver's license shall not be licensed to operate a commercial motor
67 vehicle, or the person's commercial driver's license shall be canceled, for a period
68 of one year after the director discovers such falsification.

69 12. Beginning July 1, 2005, the director shall not issue a commercial
70 driver's license under this section unless the director verifies that the applicant
71 is lawfully present in the United States before accepting the application. If
72 lawful presence is granted for a temporary period, no commercial driver's license
73 shall be issued. The director may, by rule or regulation, establish procedures to
74 verify the lawful presence of the applicant and establish the duration of any
75 commercial driver's license issued under this section. No rule or portion of a rule
76 promulgated pursuant to the authority of this section shall become effective
77 unless it has been promulgated pursuant to chapter 536, RSMo.

78 13. (1) Effective December 19, 2005, notwithstanding any provisions of
79 subsections 1 and 5 of this section to the contrary, the director may issue a
80 nonresident commercial driver's license to a resident of a foreign jurisdiction if
81 the United States Secretary of Transportation has determined that the
82 commercial motor vehicle testing and licensing standards in the foreign
83 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

84 (2) Any applicant for a nonresident commercial driver's license must
85 present evidence satisfactory to the director that the applicant currently has
86 employment with an employer in this state. The nonresident applicant must
87 meet the same testing, driver record requirements, conditions, and is subject to
88 the same disqualification and conviction reporting requirements applicable to
89 resident commercial drivers.

90 (3) The nonresident commercial driver's license will expire on the same

91 date that the documents establishing lawful presence for employment expire. The
92 word "nonresident" shall appear on the face of the nonresident commercial
93 driver's license. Any applicant for a Missouri nonresident commercial driver's
94 license must first surrender any nonresident commercial driver's license issued
95 by another state.

96 (4) The nonresident commercial driver's license applicant must pay the
97 same fees as required for the issuance of a resident commercial driver's license.

98 14. Foreign jurisdiction for purposes of issuing a nonresident commercial
99 driver's license under this section shall not include any of the fifty states of the
100 United States or Canada or Mexico.

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through
6 the negligent operation of the commercial motor vehicle, including but not limited
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section
10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or
12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission
14 of any felony, as defined in section 302.700, except a felony as provided in
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur
17 while transporting a hazardous material the person is disqualified for a period
18 of not less than three years.

19 3. Any person is disqualified from operating a commercial motor vehicle
20 for life if convicted of two or more violations of any of the offenses specified in
21 subsection 1 of this section, or any combination of those offenses, arising from two
22 or more separate incidents. The director may issue rules and regulations, in
23 accordance with guidelines established by the secretary, under which a
24 disqualification for life under this section may be reduced to a period of not less
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for

27 life who uses a commercial or noncommercial motor vehicle in the commission of
28 any felony involving the manufacture, distribution, or dispensing of a controlled
29 substance, or possession with intent to manufacture, distribute, or dispense a
30 controlled substance.

31 5. Any person is disqualified from operating a commercial motor vehicle
32 for a period of not less than sixty days if convicted of two serious traffic violations
33 or one hundred twenty days if convicted of three serious traffic violations, arising
34 from separate incidents occurring within a three-year period.

35 6. Any person found to be operating a commercial motor vehicle while
36 having any measurable alcohol concentration shall immediately be issued a
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in
38 this state.

39 7. Any person who is convicted of operating a commercial motor vehicle
40 beginning at the time of issuance of the out-of-service order until its expiration
41 is guilty of a class A misdemeanor.

42 8. Any person convicted for the first time of driving while out of service
43 shall be disqualified from driving a commercial motor vehicle [for a period of
44 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**
45 **by the Secretary.**

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**
49 **Part 383, or as amended by the Secretary.**

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to
60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations

63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, canceling or disqualifying a driver, the
66 director shall update records to reflect such action and notify a nonresident's
67 licensing authority and the commercial driver's license information system within
68 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
69 Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license canceled, and upon conclusion of the period of disqualification
73 shall take the written and driving tests and meet all other requirements of
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
75 withdrawn by the director until such person reapplies for a commercial driver's
76 license in this or any other state after meeting all requirements of sections
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
81 pursuant to this section shall be held in accordance with regulations promulgated
82 by the Secretary. The period of disqualification determined by the Secretary
83 pursuant to this section shall be served concurrently to any other period of
84 disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 **17. The director shall disqualify a commercial license holder or**
87 **operator of a commercial vehicle from operation of any commercial**
88 **motor vehicle upon receipt of a conviction for an offense of failure to**
89 **appear or pay, and such disqualification shall remain in effect until the**
90 **director receives notice that the person has complied with the**
91 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which**
3 **is:**

4 (a) **Controlled and operated by a farmer, including operation by**
5 **employees or family members;**

6 (b) **Used to transport agricultural products, farm machinery,**
7 **farm supplies, or both, to or from a farm;**

8 (c) Not used in the operations of a common or contract motor
9 carrier; and

10 (d) Used within two hundred forty-one kilometers or one
11 hundred fifty miles of the farmer's farm;

12 (2) Any active duty military personnel, members of the reserves and
13 national guard on active duty, including personnel on full-time national guard
14 duty, personnel on part-time training and national guard military technicians,
15 while driving [military] vehicles for military purposes;

16 (3) Any person who drives emergency or fire equipment necessary to the
17 preservation of life or property or the execution of emergency governmental
18 functions under emergency conditions;

19 (4) Any person qualified to operate the equipment under subdivision (3)
20 of this section when operating such equipment in other functions such as parades,
21 special events, repair, service or other authorized movements;

22 (5) Any person driving or pulling a recreational vehicle, as defined in
23 sections 301.010 and 700.010, RSMo, for personal use; and

24 (6) Any other class of persons exempted by rule or regulation of the
25 director, which rule or regulation is in compliance with the Commercial Motor
26 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
27 act.

306.535. 1. Applications shall be made on forms prescribed and furnished
2 to the applicant, upon demand, by the director of revenue.

3 2. The application shall contain a brief description of the outboard motor
4 to be registered, the name of manufacturer, the factory number or serial number,
5 the type and color of the outboard motor, the amount of motive power stated in
6 figures of horsepower, and the name and address, including county, of the owner;
7 and a declaration and affidavit of ownership, showing the date and from whom
8 purchased.

9 3. The fee for registering and issuing a license shall be two dollars, and
10 the fee for a certificate of title shall be five dollars, both of which fees shall be
11 paid to the director of revenue at the time of making the application.

12 4. If application for the certificate of title is not made within sixty days
13 after the outboard motor is acquired or brought into the state by the applicant,
14 a delinquency penalty fee of [ten] **twenty-five** dollars for each thirty days of
15 delinquency, not to exceed a total of [thirty] **two hundred** dollars, shall be
16 imposed. If the director of revenue learns that any person has failed to make

17 application for a certificate of title within sixty days after acquiring or bringing
18 into the state an outboard motor or has sold an outboard motor without obtaining
19 a certificate of title, he shall cancel the registration of all outboard motors
20 registered in the name of the person, either as sole owner or as a co-owner, and
21 shall notify the person that the cancellation shall remain in force until the person
22 pays the delinquency penalty fee provided in this subsection together with all
23 fees, charges and payments which he should have paid in connection with the
24 certificate of title and registration of the outboard motor.

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall**
7 **be expunged if the person who has plead guilty to or has been found**
8 **guilty of violating section 311.325 is licensed as a commercial motor**
9 **vehicle driver or was operating a commercial motor vehicle as defined**
10 **in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.